

EXHIBIT A

Murray, Travis

From: Kurschner, Tatiana <tatiana.kurschner@kirkland.com>
Sent: Thursday, March 20, 2025 1:55 PM
To: Lachman, Matthew; McLennan, Mark C.; Lane, Jackson T.; #KEModernaSpikevaxService; Blumenfeld, Jack; Murray, Travis; Egan, Brian P.
Cc: Arbutus_MoFo; Genevant Team; Karen Keller; Nate Hoeschen
Subject: [EXT] RE: Genevant v. Moderna - Expert Dep Scheduling

Matt,

We disagree that Moderna should have raised the need for a changed schedule at an earlier date. Even though the schedule only required the parties to disclose deposition dates next Monday, March 24, Moderna was proactive in reaching out nearly a month before this deadline to begin deposition scheduling and avoid delays in the schedule. Moderna also identified the need to reschedule the letter and hearing dates for proposed Daubert and SJ grounds at that time.

While Moderna had hoped to make the scheduled letter and hearing dates work, a conflicting trial date required us to move certain deposition dates that now come into conflict with the schedule for the Daubert/SJ letter and hearing. As you know, the parties have been reasonable to date in accommodating and working together to resolve scheduling conflicts, and we are disappointed at Plaintiffs' unwillingness to do so here.

We can't agree to Plaintiffs' compromise because the deadlines for the letter and hearing still fall before the end of expert depositions, which, as previously discussed may impact or obviate the grounds parties are proposing to move on. As a proposed compromise, Moderna suggests moving the deadline for the Daubert/SJ letter to May 2 and the scheduled hearing to May 7. Please provide Plaintiffs' position on this proposal by the end of day today.

Regards,
Tatiana

Tatiana Kurschner*

KIRKLAND & ELLIS LLP
601 Lexington Avenue, New York, NY 10022
T +1 646 444 9078 **M** +1 332 281 5650
F +1 212 446 4900

tatiana.kurschner@kirkland.com

*JD, Not Admitted

From: Lachman, Matthew <MLachman@wc.com>
Sent: Thursday, March 20, 2025 12:18 PM
To: Kurschner, Tatiana <tatiana.kurschner@kirkland.com>; McLennan, Mark C. <mark.mcclennan@kirkland.com>; Lane, Jackson T. <JLane@mofo.com>; #KEModernaSpikevaxService [REDACTED]; Jack Blumenfeld (jblumenfeld@morrisnichols.com) <jblumenfeld@morrisnichols.com>; Travis J. Murray (tmurray@morrisnichols.com) <tmurray@morrisnichols.com>; began@morrisnichols.com
Cc: Arbutus_MoFo [REDACTED]; Genevant Team [REDACTED] Karen Keller <kkeller@shawkeller.com>; Nate Hoeschen <nhoeschen@shawkeller.com>
Subject: RE: Genevant v. Moderna - Expert Dep Scheduling

Tatiana,

Moving the hearing as you suggest would be prejudicial, as it would dramatically reduce the time Plaintiffs have to adjust to the Court's rulings before the deadline to submit summary judgment and Daubert motions. The parties have known about the overlap between expert discovery and the letter and hearing dates for months—if that overlap presented a problem, Moderna could have, and should have, raised the need for a change promptly. It did not.

In an effort to reach an accommodation, Plaintiffs would agree—subject to the Court's approval—to move date the letter is due. We would propose April 22, but are open to considering alternatives proposed by Moderna.

Best,

Matt

Matthew W. Lachman

Williams & Connolly LLP

680 Maine Avenue SW, Washington, DC 20024

202-434-5249 | [vcard](#) | [www.wc.com/mlachman](#)

From: Kurschner, Tatiana <tatiana.kurschner@kirkland.com>

Sent: Wednesday, March 19, 2025 7:32 PM

To: Lachman, Matthew <MLachman@wc.com>; McLennan, Mark C. <mark.mclennan@kirkland.com>; Lane, Jackson T. <JLane@mofo.com>; #KEModernaSpikevaxService [REDACTED] Jack Blumenfeld <jblumenfeld@morrisnichols.com> <jblumenfeld@morrisnichols.com>; Travis J. Murray <tmurray@morrisnichols.com> <tmurray@morrisnichols.com>; [began@morrisnichols.com](#)

Cc: Arbutus_MoFo [REDACTED] Genevant Team [REDACTED] Karen Keller <kkeller@shawkeller.com>; Nate Hoeschen <nhoeschen@shawkeller.com>

Subject: RE: Genevant v. Moderna - Expert Dep Scheduling

Matt,

Regarding Moderna's proposal to move the deadlines for the SJ/Daubert letter and hearing, we are disappointed. Plaintiffs would not agree to this modest extension, and your email does not identify any real prejudice.

We are not certain whether Plaintiffs' Delaware counsel was able to join the parties' March 5 meet-and-confer on this issue, but we assume based on your email below that this is Plaintiffs' final position after conferring with your Delaware counsel. If that is not the case, please let us know by 2pm ET tomorrow so that our respective Delaware counsel can confer.

Best,
Tatiana

Tatiana Kurschner*

KIRKLAND & ELLIS LLP

601 Lexington Avenue, New York, NY 10022

T +1 646 444 9078 M +1 332 281 5650

F +1 212 446 4900

tatiana.kurschner@kirkland.com

*JD, Not Admitted

From: Lachman, Matthew <MLachman@wc.com>

Sent: Monday, March 10, 2025 3:09 PM

To: Kurschner, Tatiana <tatiana.kurschner@kirkland.com>; McLennan, Mark C. <mark.mcclennan@kirkland.com>; Lane, Jackson T. <JLane@mofo.com>; #KEModernaSpikevaxService [REDACTED] Jack Blumenfeld (jblumenfeld@morrisnichols.com) <jblumenfeld@morrisnichols.com>; Travis J. Murray (tmurray@morrisnichols.com) <tmurray@morrisnichols.com>
Cc: Arbutus_MoFo [REDACTED] Genevant Team [REDACTED] Karen Keller <kkeller@shawkeller.com>; Nate Hoeschen <nhoeschen@shawkeller.com>
Subject: RE: Genevant v. Moderna - Expert Dep Scheduling

Tatiana,

We can accept 4/28 for Dr. Anderson. As we understand it, the agreed-upon schedule is thus:

3/27 – Rutherford (SF)
4/1 – Benton (DC)
4/4 – Brill (DC)
4/9 – Meulien (NY)
4/11 – Schuster (DC)
4/11 – Porter (DC)
4/16 – Prud’homme (NY)
4/17 – Godshalk (DC)
4/18 – Vellturo (NY)
4/22 – Murthy (SF)
4/24 – Pitts (DC)
4/25 – Fenton (NY)
4/28 – Anderson (Boston)
4/30 – Lawton (DC)
4/30 – Mitchell (DC)

We have discussed with our client and cannot agree to move the SJ/Daubert hearing. The Court ordered a schedule that required the parties to submit letters well in advance of the end of expert discovery, and which set the hearing prior to the end of expert discovery as well. Given the short expert discovery period and the likely number of experts, it was inevitable that there would be depositions after both the letter and hearing dates (which the Court would have known). Yet Moderna did not raise any objection with Plaintiffs or the Court for over six months. There is thus not good cause to change the Court-ordered schedule or to impinge on the Court’s schedule for a different hearing date.

Moreover, almost all of the depositions will be completed prior to the hearing date, and only a few depositions have been scheduled after the close of expert discovery—and 2/3 of those were at Moderna’s request. There is thus no prejudice from keeping the existing schedule. By contrast, moving the hearing date so close to the deadline for SJ/Daubert motions, as Moderna suggests, would be prejudicial.

Best,

Matt

Matthew W. Lachman
Williams & Connolly LLP

680 Maine Avenue SW, Washington, DC 20024
202-434-5249 | vcard | www.wc.com/mlachman

From: Kurschner, Tatiana <tatiana.kurschner@kirkland.com>

Sent: Monday, March 10, 2025 9:18 AM

To: Lachman, Matthew <MLachman@wc.com>; McLennan, Mark C. <mark.mcclennan@kirkland.com>; Lane, Jackson T.

<JLane@mofo.com>; #KEModernaSpikevaxService [REDACTED] Jack Blumenfeld
(jblumenfeld@morrisnichols.com)<jblumenfeld@morrisnichols.com>; Travis J. Murray (tmurray@morrisnichols.com)
<tmurray@morrisnichols.com>
Cc: Arbutus_MoFo [REDACTED] Genevant Team [REDACTED] Karen Keller
<kkeller@shawkeller.com>; Nate Hoeschen <nhoeschen@shawkeller.com>
Subject: RE: Genevant v. Moderna - Expert Dep Scheduling

Matt,

Moderna can accept the remaining dates below, assuming Plaintiffs agree to move the SJ/Daubert letter and hearing deadlines:

- Brill – 4/4
- Porter – 4/11
- Pitts – 4/24
- Mitchell – 4/30

We are able to make Rutherford available on 03/27 as requested, still at the Kirkland SF office. Unfortunately, due to Anderson's busy teaching schedule, he will not be available on a date earlier than 4/21. We understand this date still does not work for Plaintiffs. He is available 4/28 at Kirkland Boston. Please confirm whether this works as soon as possible.

Please let us know today Plaintiffs' position about the SJ/Daubert letter and hearing deadlines.

Best,
Tatiana

Tatiana Kurschner*

KIRKLAND & ELLIS LLP
601 Lexington Avenue, New York, NY 10022
T +1 646 444 9078 **M** +1 332 281 5650
F +1 212 446 4900

tatiana.kurschner@kirkland.com

*JD, Not Admitted

From: Lachman, Matthew <MLachman@wc.com>
Sent: Thursday, March 6, 2025 9:44 AM
To: McLennan, Mark C. <mark.mclennan@kirkland.com>; Kurschner, Tatiana <tatiana.kurschner@kirkland.com>; Lane, Jackson T. <JLane@mofo.com>; #KEModernaSpikevaxService [REDACTED] Jack Blumenfeld (jblumenfeld@morrisnichols.com)<jblumenfeld@morrisnichols.com>; Travis J. Murray (tmurray@morrisnichols.com)<tmurray@morrisnichols.com>
Cc: Arbutus_MoFo [REDACTED] Genevant Team [REDACTED] Karen Keller
<kkeller@shawkeller.com>; Nate Hoeschen <nhoeschen@shawkeller.com>
Subject: RE: Genevant v. Moderna - Expert Dep Scheduling

Mark,

We are talking to our client and will get back to you concerning the Daubert/SJ deadlines.

We can move Brill to 4/4. Can you confirm that Rutherford would be available 3/27?

Unfortunately, Dr. Porter has very limited availability and is not available the dates you requested. He can be available on April 11. We can move Mr. Pitts to 4/24. As for Dr. Mitchell, his teaching obligations make an earlier date challenging. However, he can be available in DC, at W&C's office, on April 30.

Subject to the dates mentioned above being acceptable, as well to any other changes to either parties' dates, we can tentatively accept the following dates:

- Meulien – 4/9
- Prud'homme – 4/16
- Godshalk – 4/17
- Velturo – 4/18
- Fenton – 4/25

Best,

Matt

Matthew W. Lachman
Williams & Connolly LLP
680 Maine Avenue SW, Washington, DC 20024
202-434-5249 | [vcard](#) | [www.wc.com/mlachman](#)

From: McLennan, Mark C. <mark.mcclennan@kirkland.com>
Sent: Wednesday, March 5, 2025 3:58 PM
To: Lachman, Matthew <MLachman@wc.com>; Kurschner, Tatiana <tatiana.kurschner@kirkland.com>; Lane, Jackson T. <JLane@mofo.com>; #KEModernaSpikevaxService <[REDACTED]> Jack Blumenfeld <jblumenfeld@morrisnichols.com> <jblumenfeld@morrisnichols.com>; Travis J. Murray (tmurray@morrisnichols.com) <tmurray@morrisnichols.com>
Cc: Arbutus_MoFo <[REDACTED]> Genevant Team <[REDACTED]> Karen Keller <kkeller@shawkeller.com>; Nate Hoeschen <nhoeschen@shawkeller.com>
Subject: RE: Genevant v. Moderna - Expert Dep Scheduling

Matt,

Moderna can currently accept these dates (assuming Plaintiffs agree to move the Daubert/SJ letter/hearing deadlines, and, as you flagged, we may need further changes depending on the rescheduling of other depositions):

- Benton – 4/1
- Schuster – 4/11
- Murthy – 4/22
- Lawton 4/30

Could you please let us know if Mitchell and Pitts are available on any other dates? Unfortunately, we have conflicts for their new dates. Also, please let us know if Porter is available March 31 to April 3, or April 15-16?

For the Brill/Rutherford conflict you mentioned on the call, would it work if Brill moves to March 26 or 27 and Rutherford stays on March 28? Otherwise, is Brill available the following week (March 31 to April 4)?

We will look into whether Anderson is available on other dates.

Please let us know as soon as possible if Plaintiffs accept the remaining dates.

Thanks,

Mark

Mark C. McLennan

KIRKLAND & ELLIS LLP

601 Lexington Avenue, New York, NY 10022
T +1 212 909 3451 M +1 917 480 9147

mark.mcclennan@kirkland.com

From: Lachman, Matthew <MLachman@wc.com>

Sent: Tuesday, March 4, 2025 8:43 PM

To: Kurschner, Tatiana <tatiana.kurschner@kirkland.com>; McLennan, Mark C. <mark.mcclennan@kirkland.com>; Lane, Jackson T. <JLane@mofo.com>; #KEModernaSpikevaxService [REDACTED] Jack

Blumenfeld (jblumenfeld@morrisnichols.com) <jblumenfeld@morrisnichols.com>; Travis J. Murray

(tmurray@morrisnichols.com) <tmurray@morrisnichols.com>

Cc: Arbutus_MoFo [REDACTED] Genevant Team [REDACTED] Karen Keller

<kkeller@shawkeller.com>; Nate Hoeschen <nhoeschen@shawkeller.com>

Subject: RE: Genevant v. Moderna - Expert Dep Scheduling

Tatiana,

In advance of tomorrow's call, Plaintiffs wanted to notify Modern of two changes to the previously communicated witness availabilities. Mr. Pitts will be available at W&C's offices in DC on April 23. And Dr. Mitchell will be available in Philadelphia on April 24.

We also wanted to clarify the location for Dr. Murthy's deposition, which will be Morrison Foerster's offices in San Francisco.

Best,

Matt

Matthew W. Lachman

Williams & Connolly LLP

680 Maine Avenue SW, Washington, DC 20024

202-434-5249 | vcard | www.wc.com/mlachman

From: Kurschner, Tatiana <tatiana.kurschner@kirkland.com>

Sent: Tuesday, March 4, 2025 11:13 AM

To: Lachman, Matthew <MLachman@wc.com>; McLennan, Mark C. <mark.mcclennan@kirkland.com>; Lane, Jackson T. <JLane@mofo.com>; #KEModernaSpikevaxService [REDACTED] ; Jack Blumenfeld

(jblumenfeld@morrisnichols.com) <jblumenfeld@morrisnichols.com>; Travis J. Murray (tmurray@morrisnichols.com)

<tmurray@morrisnichols.com>

Cc: Arbutus_MoFo [REDACTED] Genevant Team [REDACTED] Karen Keller

<kkeller@shawkeller.com>; Nate Hoeschen <nhoeschen@shawkeller.com>

Subject: RE: Genevant v. Moderna - Expert Dep Scheduling

Hi Matt,

Regarding the tentative dates offered last week for Moderna's expert witnesses, Dr. Velluro will now be made available on 04/18 at Kirkland's New York office instead of in Boston. The offered date, 04/18, remains the same.

Best,
Tatiana

Tatiana Kurschner*

KIRKLAND & ELLIS LLP

601 Lexington Avenue, New York, NY 10022
T +1 646 444 9078 M +1 332 281 5650
F +1 212 446 4900

tatiana.kurschner@kirkland.com

*JD, Not Admitted

From: Lachman, Matthew <MLachman@wc.com>

Sent: Tuesday, March 4, 2025 9:54 AM

To: Kurschner, Tatiana <tatiana.kurschner@kirkland.com>; McLennan, Mark C. <mark.mcclennan@kirkland.com>; Lane, Jackson T. <JLane@mofo.com>; #KEModernaSpikevaxService [REDACTED] Jack Blumenfeld (jblumenfeld@morrisnichols.com) <jblumenfeld@morrisnichols.com>; Travis J. Murray (tmurray@morrisnichols.com) <tmurray@morrisnichols.com>

Cc: Arbutus_MoFo [REDACTED] Genevant Team [REDACTED] Karen Keller <kkeller@shawkeller.com>; Nate Hoeschen <nhoeschen@shawkeller.com>

Subject: RE: Genevant v. Moderna - Expert Dep Scheduling

Thanks, Tatiana. That works for us.

Matthew W. Lachman

Williams & Connolly LLP

680 Maine Avenue SW, Washington, DC 20024
202-434-5249 | [vcard](#) | www.wc.com/mlachman

From: Kurschner, Tatiana <tatiana.kurschner@kirkland.com>

Sent: Monday, March 3, 2025 8:38 PM

To: Lachman, Matthew <MLachman@wc.com>; McLennan, Mark C. <mark.mcclennan@kirkland.com>; Lane, Jackson T. <JLane@mofo.com>; #KEModernaSpikevaxService [REDACTED] ; Jack Blumenfeld (jblumenfeld@morrisnichols.com) <jblumenfeld@morrisnichols.com>; Travis J. Murray (tmurray@morrisnichols.com) <tmurray@morrisnichols.com>

Cc: Arbutus_MoFo [REDACTED] Genevant Team [REDACTED] Karen Keller <kkeller@shawkeller.com>; Nate Hoeschen <nhoeschen@shawkeller.com>

Subject: RE: Genevant v. Moderna - Expert Dep Scheduling

Hi Matt,

Moderna is available for a call on Wednesday afternoon at 3pm ET. Please confirm whether this works for Plaintiffs.

If Plaintiffs are available, we can use the dial-in information below.

Thanks,
Tatiana

Tatiana Kurschner*

KIRKLAND & ELLIS LLP

601 Lexington Avenue, New York, NY 10022

T +1 646 444 9078 M +1 332 281 5650
F +1 212 446 4900

tatiana.kurschner@kirkland.com

*JD, Not Admitted

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Passcode: [REDACTED]

Dial in by phone

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[Find a local number](#)

Phone conference ID: [REDACTED]

Join on a video conferencing device

Tenant key: kirklandellisllp@m.webex.com

Video ID: 116 860 686 7

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From: Lachman, Matthew <MLachman@wc.com>

Sent: Monday, March 3, 2025 7:06 PM

To: Kurschner, Tatiana <tatiana.kurschner@kirkland.com>; McLennan, Mark C. <mark.mcclennan@kirkland.com>; Lane, Jackson T. <JLane@mofo.com>; #KEModernaSpikevaxService <[REDACTED]> Jack

Blumenfeld (jblumenfeld@morrisnichols.com) <jblumenfeld@morrisnichols.com>; Egan, Brian P.

<began@morrisnichols.com>; Travis J. Murray (tmurray@morrisnichols.com) <tmurray@morrisnichols.com>

Cc: Arbutus_MoFo [REDACTED]; Genevant Team [REDACTED]; Karen Keller

<kkeller@shawkeller.com>; Nate Hoeschen <nhoeschen@shawkeller.com>

Subject: RE: Genevant v. Moderna - Expert Dep Scheduling

Tatiana,

Thank you for providing deposition dates. Can you let me know your availability for a call Wednesday afternoon to discuss the dates for the parties' depositions, as well as your proposal on the letter and the hearing?

Thanks,

Matt

Matthew W. Lachman

Williams & Connolly LLP

680 Maine Avenue SW, Washington, DC 20024

202-434-5249 | [vcard](#) | www.wc.com/mlachman

From: Kurschner, Tatiana <tatiana.kurschner@kirkland.com>

Sent: Monday, March 3, 2025 3:27 PM

To: Lachman, Matthew <MLachman@wc.com>; McLennan, Mark C. <mark.mclennan@kirkland.com>; Lane, Jackson T. <JLane@mofo.com>; #KEModernaSpikevaxService <jblumenfeld@morrisnichols.com> Jack Blumenfeld <jblumenfeld@morrisnichols.com>; Egan, Brian P. <began@morrisnichols.com>; Travis J. Murray <tmurray@morrisnichols.com> <tmurray@morrisnichols.com>

Cc: Arbutus_MoFo <kkeller@shawkeller.com> Genevant Team <nhoeschen@shawkeller.com> Karen Keller <kkeller@shawkeller.com>; Nate Hoeschen <nhoeschen@shawkeller.com>

Subject: RE: Genevant v. Moderna - Expert Dep Scheduling

Counsel,

Regarding the tentative dates offered last week for Moderna's expert witnesses, due to a conflict Dr. Meulien is now available on 04/09.

We'll get back to you as soon as possible regarding the dates for Plaintiffs' experts. Please let us know in the meantime about our proposal for the deadlines for the letter and hearing on SJ/Daubert grounds etc., as that will affect whether we can accept some of the dates.

Thanks,
Tatiana

Tatiana Kurschner*

KIRKLAND & ELLIS LLP

601 Lexington Avenue, New York, NY 10022

T +1 646 444 9078 M +1 332 281 5650

F +1 212 446 4900

tatiana.kurschner@kirkland.com

*JD, Not Admitted

From: Lachman, Matthew <MLachman@wc.com>

Sent: Friday, February 28, 2025 5:00 PM

To: McLennan, Mark C. <mark.mclennan@kirkland.com>; Lane, Jackson T. <JLane@mofo.com>; #KEModernaSpikevaxService <jblumenfeld@morrisnichols.com> Jack Blumenfeld <jblumenfeld@morrisnichols.com>; Egan, Brian P. <began@morrisnichols.com>; Travis J. Murray <tmurray@morrisnichols.com> <tmurray@morrisnichols.com>

Cc: Arbutus_MoFo <kkeller@shawkeller.com> Genevant Team <nhoeschen@shawkeller.com> Karen Keller <kkeller@shawkeller.com>; Nate Hoeschen <nhoeschen@shawkeller.com>

Subject: RE: Genevant v. Moderna - Expert Dep Scheduling

Mark,

Proposed dates and locations for Plaintiffs' experts are listed below. Please note that these dates are still tentative and are contingent on reaching agreement on the dates for Moderna's witnesses.

3/28 – Alex Brill (W&C DC)

4/1 – Kim Benton (W&C DC)

4/8 – Fred Porter (W&C DC)

4/11 – Georg Schuster (W&C DC)

4/11 – Peter Pitts (W&C DC)

4/22 – Niren Murthy (Berkeley)

4/25 – Michael Mitchell (Philadelphia)

4/30 – Cathy Lawton (W&C DC) [Plaintiffs are proposing a date after the close of expert discovery at Moderna's request]

Best,

Matt

Matthew W. Lachman

Williams & Connolly LLP

680 Maine Avenue SW, Washington, DC 20024

202-434-5249 | [vcard](#) | www.wc.com/mlachman

From: Lachman, Matthew <MLachman@wc.com>

Sent: Thursday, February 27, 2025 7:59 PM

To: McLennan, Mark C. <mark.mcclennan@kirkland.com>; Lane, Jackson T. <JLane@mofo.com>;

#KEModernaSpikevaxService [REDACTED] Jack Blumenfeld

(jblumenfeld@morrisnichols.com) <jblumenfeld@morrisnichols.com>; Egan, Brian P. <began@morrisnichols.com>;

Travis J. Murray (tmurray@morrisnichols.com) <tmurray@morrisnichols.com>

Cc: Arbutus_MoFo [REDACTED] Genevant Team [REDACTED] Karen Keller

<kkeller@shawkeller.com>; Nate Hoeschen <nhoeschen@shawkeller.com>

Subject: RE: Genevant v. Moderna - Expert Dep Scheduling

Mark,

Plaintiffs agree to exchange proposed deposition dates tomorrow at 5pm ET. We will respond separately to the remainder of your email.

Best,

Matt

Matthew W. Lachman

Williams & Connolly LLP

680 Maine Avenue SW, Washington, DC 20024

202-434-5249 | [vcard](#) | www.wc.com/mlachman

From: McLennan, Mark C. <mark.mcclennan@kirkland.com>

Sent: Thursday, February 27, 2025 10:50 AM

To: Lane, Jackson T. <JLane@mofo.com>; #KEModernaSpikevaxService [REDACTED]

Jack Blumenfeld (jblumenfeld@morrisnichols.com) <jblumenfeld@morrisnichols.com>; Egan, Brian P.

<began@morrisnichols.com>; Travis J. Murray (tmurray@morrisnichols.com) <tmurray@morrisnichols.com>

Cc: Arbutus_MoFo [REDACTED] Genevant Team [REDACTED] Karen Keller

<kkeller@shawkeller.com>; Nate Hoeschen <nhoeschen@shawkeller.com>

Subject: RE: Genevant v. Moderna - Expert Dep Scheduling

Counsel,

We propose the parties exchange proposed deposition dates for their expert witnesses tomorrow at 5pm ET so we can begin scheduling and avoid any delays to the schedule. Please let us know if you agree.

We currently anticipate being able to offer all of our witnesses during the current expert discovery period, but due to a conflicting trial we request a date for Ms. Lawton's deposition from April 29 to May 2.

The current schedule includes deadlines for the parties to submit a letter with proposed Daubert and SJ grounds on April 17, for a hearing on April 24, which fall prior to close of expert discovery on April 25. To give the parties time to complete expert discovery, we propose that the parties jointly request the Court defer the Daubert/SJ deadlines to May 6 (letter) and May 13 (hearing). Please let us know if you agree.

We can be available to discuss these issues if needed.

Thanks,
Mark

Mark C. McLennan

KIRKLAND & ELLIS LLP
601 Lexington Avenue, New York, NY 10022
T +1 212 909 3451 M +1 917 480 9147

mark.mclennan@kirkland.com

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